

Serial No. 10/644,354  
60,130-1752  
03MRA0141

**AMENDMENTS TO THE DRAWINGS:**

These drawings replace the previously filed drawings. No new matter has been added.

Figure 4 has been amended to correct a reference numeral to threads T. Figures 6, 7, and 8 have been amended to more specifically show the position of the operating shaft assembly relative to the housing.

Serial No. 10/644,354  
60,130-1752  
03MRA0141

### REMARKS

Applicant wishes to thank the Examiner for the detailed remarks. Claims 1 and 4-8 have been amended. New claims 15-21 are presented. Accordingly, claims 1, 4-8, and 15-21 are pending.

Claims 1 and 4-7 were rejected under 35 U.S.C. §102(b) as being anticipated by *White (H2026)*. Applicant respectfully traverses this rejection. *White* discloses a switch 56 which has been mounted to a mounting boss 55 formed as part of the attachment clevis 51 and positioned to face a side of the actuator lever 36 such that when the angle between the actuator rod 40 and the actuator lever 36 decreases to a given value, the actuation plunger 57 of the switch 56 contacts the actuator lever 36 as shown in FIG. 4. That is, *White* fails to disclose or suggest an overstroke indicator system mounted to said housing portion as recited in the amended claims. The claims are properly allowable.

Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over *White (H2026)* in view of *Trenado (2002/0167402)*. Applicant respectfully traverses these rejections as there is absolutely no teaching, suggestion, or motivation to modify *White (H2026)* in view of *Trenado* as proposed. A proper suggestion or motivation to make a combination requires some benefit to result from the combination. When the additional teachings of a secondary reference do not provide any benefit to the arrangement disclosed in a primary reference, no prima facie case of obviousness exists. To locate a buckling member in the position disclosed by *Trenado* would encase the buckling member within the bracket 44 thereby making indication impossible. There is no benefit to make the proposed combination because the buckling member indicator would be hidden and provide no indication. Because this combination provides no benefit and, therefore, is improper, there is no prima facie case of obviousness.

Even if the combination were properly made, there are differences between the claimed invention and the teachings of the cited references so that the combination does not meet the limitations of Applicant's claims.

Serial No. 10/644,354  
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*Trenado* locates the buckling member to be adjacent the brake pad to provide engagement with the drum when the brake pad has worn down below a predetermined minimum (FIG. 3) such that the wear sensor 40 *acts like a vibrating reed* and generates a distinct and audible noise. *Trenado does not buckle*. The claims are patentable.

New claims 17-21 recite further features of a method of indicating an overstroke condition of a brake assembly which are neither disclosed nor suggested by the cited references and are thus properly allowable.

New claims 22-23 recite further features of a brake assembly in which the overstroke sensor are out of contact with the operating shaft assembly. This is not disclosed nor suggested by the cited references and is thus properly allowable.

Applicant believes that no additional fees are required. However, should any additional fees or extensions of time be required, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C. .

Applicant respectfully submits that this case is in condition for allowance. If the Examiner believes that a teleconference will facilitate moving this case forward to being issued, Applicant's representative can be contacted at the number indicated below.

Respectfully Submitted,  
**CARLSON, GASKEY & OLDS, P.C.**

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